

04/04/01

**UTILITY
PATENT APPLICATION
TRANSMITTAL**

Only for new, nonprovisional applications under 37 CFR 1.53(b)

Attorney Docket No.

2599-104-D2

First Inventor

Kelly G. AMMANN

Title

AUTOMATED DIAGNOSTIC ANALYZER AND METHOD

Assignee Information: Gen-Probe Incorporated, 10210 Genetic Center Drive, San Diego, California 92121

APPLICATION ELEMENTS

See MPEP Chapter 600 concerning utility patent application contents

1. Fee Transmittal Form
(Submit an original, and a duplicate for fee processing)

2. Applicant claims small entity status

3. Specification
(preferred arrangement set forth below)

- Descriptive title of the invention
- Cross references to Related Applications
- Statement Regarding Fed sponsored R&D
- Reference to sequence listing, a table or a computer program listing appendix
- Background of the Invention
- Brief Summary of the Invention
- Brief Description of the Drawings
- Detailed Description
- Claims
- Abstract of the Disclosure

4. Drawing(s) (35 USC 113)
Total sheets 46

5. Oath or Declaration
Total pages 04

a. Newly executed (original or copy)
b. Copy from a prior application (37 CFR 1.63(d))
(for continuation/divisional with Box 17 completed)

[Note Box 5 below]
i. **DELETION OF INVENTOR(S)**
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b)

6. Application Data Sheet

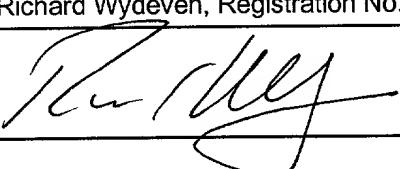
18. If a CONTINUING APPLICATION, check appropriate box and supply the requisite information below or in an application Data Sheet under 37 CFR 1.76:

Continuation Divisional Continuation-in-part (CIP) of prior application No.: 09/303,030

Prior application information: Examiner J. Lundgren Group Art Unit 1631

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

Customer Number or Bar Code Label: 6449

ADDRESS	Rothwell, Figg, Ernst & Manbeck Suite 701-East, 555 13th Street, N.W.				
CITY	Washington	STATE	DC	ZIP CODE	20004
COUNTRY	USA	TELEPHONE	202-783-6040	FAX	202-783-6031
NAME	Richard Wydeven, Registration No. 39,881				
SIGNATURE		DATE	April 14, 2001		

04/04/01
JC997 U.S. PTO
09/825067

**FEE TRANSMITTAL
for FY 2001
(Large Entity)**

		<i>Complete if Known</i>		
		<i>Application Number</i>	<i>New Application</i>	
		<i>Filing Date</i>	<i>Concurrently Herewith</i>	
		<i>First Named Inventor</i>	Kelly G. AMMANN	
		<i>Group Art Unit</i>	Unknown	
		<i>Examiner Name</i>	Unknown	
Total Amount of Payment	(\$)	710.00	Attorney Docket Number	2599-104-D2

METHOD OF PAYMENT (check one)

- The Commissioner is hereby authorized to charge the required fees and credit any overpayment to Deposit Account Number 02-2135 in the name of Rothwell, Figg, Ernst & Manbeck
- Charge any Additional Fee Required Under 37 CFR 1.16 and 1.17
- Applicant claims small entity status
- Payment Enclosed:
 - Check
 - Credit Card

Fee Calculation

FILING FEE

<u>Fee Code</u>	<u>Fee Paid</u>	<u>Fee Description</u>	<u>Fee Paid</u>
101	710	Utility Filing Fee	[710.00]
106	320	Design Filing Fee	[]
107	490	Plant Filing Fee	[]
108	710	Reissue Filing Fee	[]
114	150	Provisional Filing Fee	[]

SUBTOTAL \$ 710.00

2. CLAIMS

	<u>Extra Claims</u>	<u>Fee</u>	<u>Fee Paid</u>
Total Claims	18 - 20" = 0	x \$ 18.00 =	[0.00]
Independent Claims	1 - 3" = 0	x \$ 80.00 =	[0.00]
Multiple Dependent Claims		+ \$ 270.00	[0.00]

*or number previously paid, if greater;

SUBTOTAL \$ 0.00

Fee Calculation (continued)

3. ADDITIONAL FEES

<u>Fee Code</u>	<u>Fee Paid</u>	<u>Fee Description</u>	<u>Fee Paid</u>
105	130	Surcharge - late filing fee or oath	[]
127	50	Surcharge - late provisional filing fee or cover sheet	[]
139	130	Non-English specification	[]
147	2,520	For filing a request for reexamination	[]
112	920	Requesting publication of SIR prior to Examiner action	[]
113	1,840*	Requesting publication of SIR after Examiner action	[]
115	110	Extension for reply within first month	[]
116	390	Extension for reply within second month	[]
117	890	Extension for reply within third month	[]
118	1,390	Extension for reply within fourth month	[]
128	1,890	Extension for reply within fifth month	[]
119	310	Notice of Appeal	[]
120	310	Filing a brief in support of an appeal	[]
121	270	Request for Oral Hearing	[]
138	1,510	Petition to institute a public use proceeding	[]
140	110	Petition to revive - unavoidable	[]
141	1,240	Petition to revive - unintentional	[]
142	1,240	Utility issue fee (or reissue)	[]
143	440	Design issue fee	[]
144	600	Plant issue fee	[]
122	130	Petitions to the Commissioner	[]
123	50	Processing fee under 37 CFR 1.17(q)	[]
126	180	Submission of Information Disclosure Statement	[]
581	40	Recording each patent assignment or conveyance (times number of properties)	[]
146	710	Filing a submission after final rejection (37 CFR 1.129(a))	[]
149	710	For each additional invention to be examined (37 CFR 1.129(b))	[]
179	710	Request for Continued Examination (RCE)	[]
169	900	Request for expedited examination of a design application	[]
195	300	Publication fee for early, voluntary, or normal publication	[]
196	300	Publication fee for republication	[]
089	200	Filing application for patent term adjustment	[]
090	200	Request for reinstatement of term reduced	[]
Other fee (specify)			[]

*Reduced by Basic Filing Fee Paid

SUBTOTAL \$

SUBMITTED BY:		<i>Complete (if applicable)</i>		
NAME AND REG. NUMBER	Richard Wydeven, Registration No. 39,881			
SIGNATURE		DATE	4/4/01	DEPOSIT ACCOUNT USER ID
				02-2135

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re **DIVISIONAL** application of Serial No.)
09/303,030 filed April 30, 1999)
)
Kelly G. AMMANN)
)
Serial No.: Unknown)
)
Filed: Concurrently Herewith)
)
For: AUTOMATED DIAGNOSTIC)
ANALYZER AND METHOD)
)
Examiner: Unknown
Group Art Unit: Unknown
Date: April 4, 2001

STATEMENT UNDER 37 C.F.R. § 1.63(d)(2)

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

In accordance with the provisions of 37 C.F.R. § 1.63(d)(2) and the Preliminary
Amendment filed herewith, please delete the names of Ralph E. Burns, Ernest V. Hansberry,
Glenn A. Horner, Cheryl A. Jakub, John E. Kling, Donald J. Nieglos, Robert E. Schneider, and
Robert J. Smith, who are not inventors in the above-captioned divisional application.

Respectfully submitted,

By: 

Richard Wydeven
Attorney for Applicant
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